

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- against -

MICHAEL LOMBARDO,

Defendant.

ORDER

Criminal Action No.: 12-MJ-354
(Hon. Andrew T. Baxter)

ORDER

A. The Court incorporates into this Order the facts set forth in the letter request of Donald T. Kinsella dated August 5, 2013 and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161 (h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161 (h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because:

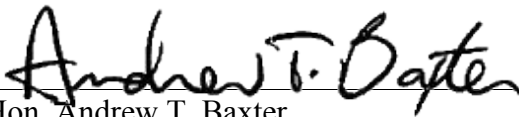
a) As the parties may resolve this matter without the need to obtain an indictment, it is unreasonable to expect return and filing of an indictment within the period specified in section 3161(b), (3161(h)(7)(B)(iii)),

b) The parties reasonably need the additional time for effective preparation of a resolution short of indictment, and the attorneys have exercised due diligence in attempting to effect a resolution, (3161(h)(7)(B)(iv)).

BASED ON THE FACTS PRESENTED AND THE COURT'S RELATED FINDINGS IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including thirty (30) days from the date of the signing of this Order and that time be excluded, pursuant to Title 18, United States Code, Section 3161 (h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section

3161(b), because the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial for the reasons stipulated above.

Dated: August 8, 2013

A handwritten signature in black ink, reading "Andrew T. Baxter", written over a horizontal line.

Hon. Andrew T. Baxter
United State Magistrate Judge